

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to file an amended complaint. Rule 15 of the Federal Rules of Civil Procedure states that “[t]he court should freely give leave [to amend] when justice so requires.” The Supreme Court has enunciated the following general standard, which is to be employed under Rule 15(a) by the district courts:

If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be “freely given.”

Foman v. Davis, 371 U.S. 178, 182 (1962).

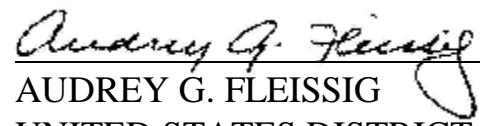
Having reviewed the complaint, the Court determines that the motion should be granted. Additionally, because plaintiff is proceeding in forma pauperis, the Court will order the Clerk to effectuate process as to defendant Wardell Carter.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to file an amended complaint [Doc. #15] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall serve process or cause process to issue as to defendant Wardell Carter.

Dated this 17th day of September, 2010.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE